

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MOHAMMAD NASAR ULLAH KHAN	:	CIVIL ACTION
Plaintiff	:	
v.	:	
	:	
THE DENIAL NOTICES OF THE	:	NO. 97-CV-5164
IMMIGRATION AND	:	
NATURALIZATION SERVICE	:	
Defendant.	:	

MEMORANDUM ORDER

J. M. KELLY, J.

March , 1998

There is currently no justiciable controversy between the parties to this suit. The Plaintiff, Mohammad Nasar Ullah Khan ("Khan"), filed this action after the INS denied his application to extend or change his nonimmigrant visa status. Khan's application was denied because he did not file it before his visa expired. Khan claims that he filed the application on time, but it was lost by the INS.

The INS subsequently granted Khan a retroactive extension of his nonimmigrant status. This enabled Khan to file a new application for extension or change of his nonimmigrant status. That application is currently pending before the INS.

Therefore, It is **ORDERED** that the complaint is dismissed. The Defendant's pending Motion to Dismiss is denied as moot. This case is now closed.

BY THE COURT:

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JAMES MCGIRR KELLY, J.